

18 AAC 32.020(1) is amended to read:

(1) *Grade "A" Pasteurized Milk Ordinance* (PMO), **2007** [2001] revision, published by the United States Department of Health and Human Services, [PUBLIC HEALTH SERVICE] Food and Drug Administration; this adoption by reference does not include sections 15 (Enforcement), 16 (Penalty), and 17 (Repeal and Date of Effect);

...

18 AAC 32.020(3) is amended to read:

(3) *Evaluation of Milk Laboratories*, 2005 [1995] Revision, published by FDA;

...

18 AAC 32.020(5) is amended to read:

(5) 21 C.F.R. 110, as revised as of April 1, 2007 [2003];
(Eff. 5/23/98, Register 146; am 1/14/2001, Register 157; am 9/6/2003, Register 167; am ___/___/___, Register ___)

Authority: AS 03.05.011 AS 03.05.020 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.310. Purpose and Applicability. (a) The purpose of 18 AAC 32.310 – 18 AAC 32.390 is to safeguard public health and safety by requiring cheese and cheese products offered or sold to the public to be safe, unadulterated, wholesome and correctly labeled.

(b) The provisions of 18 AAC 32.310 - 18 AAC 32.390 apply to

(1) cheese producers whose cheese or cheese products are intended to be sold or offered to the public;

(2) milk producers who provide milk used for manufacturing cheese or cheese products. (Eff. __/__/__, Register __)

Authority: AS 03.05.011 AS 03.05.050 AS 17.20.290

AS 03.05.030 AS 17.20.005 AS 44.46.020

AS 03.05.040 AS 17.20.010

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.315. Requirements Adopted by Reference. Applicable provisions of the following publications are adopted by reference:

- (1) *Grade "A" Pasteurized Milk Ordinance*, 2007 Revision, the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration; this adoption by reference does not include sections 15 (Enforcement), 16 (Penalty), and 17 (Repeal and Date of Effect);
- (2) *Evaluation of Milk Laboratories*, 2005 Revision, the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration;
- (3) 3-A Sanitary Standards and 3-A Accepted Practices published by the Food and Drug Administration and the International Association of Food Protection;
- (4) Food and Drug Administration/Center for Food Safety and Applied Nutrition Food Compliance Program, Domestic and Imported Cheese and Cheese Products (Inspection and Sampling Guidance Document), November 19, 1998;
- (5) 21 C.F.R. 101.1-101.30 (Food Labeling), revised as of April 1, 2007;

(6) 21 C.F.R. 101.54 – 101.83 (Food Labeling Nutrient and Health Claims), revised as of April 1, 2007;

(7) 21 C.F.R. 101.100-101.105 (Food Labeling Exemptions), revised as of April 1, 2007;

(8) 21 C.F.R. 110 (Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food), revised as of April 1, 2007;

(9) 21 C.F.R. 130.8 - 130.14 (Food Standards), revised as of April 1, 2007;

(10) 21 C.F.R. 133 (Cheeses and Related Cheese Products), revised as of April 1, 2007;
and

(11) 21 C.F.R. 170-189 (Food Additives), revised as of April 1, 2007. (Eff. __/__/__, Register __)

Authority: AS 03.05.011 AS 17.20.010 AS 44.46.020
AS 17.20.005

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.320. Permit Requirements. (a) A person may not produce cheese or cheese products subject to this chapter except as authorized by permit under this section.

(b) A permit issued under this section

- (1) is valid for one year;
- (2) is issued to a particular cheese producer and is not transferable;
- (3) is subject to suspension, revocation, and reinstatement by the department; and
- (4) must be prominently posted for public view in the facility.

(c) At least 30 days before commencing construction of a cheese production facility, initiating cheese or cheese product production, or changing ownership, a cheese producer must apply for a permit for each operation subject to the requirements of this section, using a form provided by the department. The application must:

(1) be accompanied by a permit fee as described in 18 AAC 32.385;

(2) include

(A) a plot plan of the premises showing the location of buildings and property boundaries;

(B) plumbing schematics that depict hot and cold potable water lines, nonpotable water lines, wastewater lines, and floor drains;

(C) building floor plans depicting locations of equipment, plumbing fixtures, toilets, and sinks;

(D) finish material specifications for floors, walls, and ceilings;

(E) types and locations of lighting and ventilation;

(F) a general description of planned volumes and types of cheese products and processing methods; and

(G) other information required by the department to demonstrate compliance with 18 AAC 32.323 – 18 AAC 32.360 or other provisions of this chapter.

(d) In the case of annual renewal of permits for continuing operations, the department may accept, in lieu of the information required by (c)(2), a written statement from a cheese producer that there have been no changes to the facility or its operations and that no changes are intended for the next year.

(e) A cheese producer must notify the department of any changes to aspects of the facility or operations authorized by permit. The department may approve, conditionally approve or deny changes. Applications for permits or annual permit renewals must reflect all prior changes to the facility or operations. (Eff. __/__/____, Register __)

Authority: AS 03.05.011 AS 17.20.005 AS 44.46.020
AS 03.05.040

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.323. Water, Wastewater, Solid Waste, and Plumbing. (a) In addition to applicable requirements of 21 C.F.R. 110.37, revised April 1, 2007, and adopted by reference at 18 AAC 32.315, the following requirements apply:

- (1) an adequate supply of potable water must be available from a public water system constructed and operated as required by 18 AAC 80;
- (2) wastewater or whey from the facility must be discharged into a public sewer or a wastewater system constructed and operated as required by 18 AAC 72;
- (3) grease traps must be accessible and cleanable;
- (4) solid waste disposal must comply with 18 AAC 60;
- (5) plumbing must be designed, installed, and maintained as required by applicable municipal and state plumbing codes and be consistent with good public health practices;

(b) Plumbing may not create an unsanitary condition and may not pose a threat of contamination.

(1) hot and cold running water under pressure must be provided to each plumbing fixture with faucets, including handsinks, warewashing sinks, sinks used for preparation or processing, and janitorial sinks; and

(2) drain lines from equipment may not discharge wastewater directly on a floor.

(c) Any non-potable water line must be labeled "DANGER – UNSAFE WATER" and can only be used for

(1) fire protection;

(2) air conditioning;

(3) heating;

(4) flushing toilets; or

(5) other non-potable purpose approved by the department.

(Eff. __/__/__, Register __)

Authority: AS 03.05.011 AS 17.20.005 AS 44.46.020

AS 03.05.040

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.325. Construction Standards. (a) In addition to the requirements of 21 C.F.R. 110.20, revised April 1, 2007 and adopted by reference at 18 AAC 32.315, cheese production facilities must have separate rooms for each of the following operations or equipment:

(1) receiving and weighing of milk, and washing and sterilizing of containers in which milk is received;

(2) pasteurization, processing, cooling, and manufacturing;

- (3) bacteriological and chemical analysis;
- (4) storage or aging of products;
- (5) boiler, compressor, and other machinery;
- (6) storing of cleaning supplies or other potentially hazardous materials;
- (7) toilets, lavatories, and lockers; and
- (8) business offices.

(b) Floors of rooms listed in 18 AAC 32.325 (1), (2), (4), and (7) must be constructed of concrete or other impervious material and must be constructed to be water tight and sloped so that all drainage will flow to one or more floor drains.

(c) Floor drains must include p-traps that comply with applicable plumbing codes and must be connected to a sewer line that conveys refuse milk, water, and sewage at least 100 feet from the facility into an approved wastewater system.

(d) Doors must be self-closing and windows, doors and other openings must effectively exclude flies and other pests.

(e) No activity, material or waste may be located on the premises in a manner that harbors pests or allows foul odors to reach the operation.

(f) Light sources, including natural light, artificial light, or a combination of both, must furnish at least twenty foot-candles (220 lux) of light in all working areas.

(g) Dry storage and cold storage rooms must have at least five foot-candles (55 lux) of light.

(h) Ventilation in all rooms must keep the processing areas reasonably free of odors not normally associated with cheese production and keep equipment, walls, and ceilings free from excessive condensation.

(i) Pressurized ventilation systems, if used, must have a filtered air intake.

(j) Walls and ceilings in rooms where cheese or cheese ingredients are handled, processed, packaged, or stored; or in which containers, utensils, or equipment are washed, must be made of a solid material, sealed to the floor and have a smooth, washable, impervious and light-colored surface.

(k) the storage and transportation of finished products must comply with 21 C.F.R. 110.93, revised April 1, 2007 and adopted by reference at 18 AAC 32.315. (Eff. __/__/__, Register __)

Authority: AS 17.20.005 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.330. Personnel. (a) Personnel must comply with the disease control, cleanliness, education and training requirements of 21 C.F.R. 110.10, revised April 1, 2007 and adopted by reference at 18 AAC 32.315.

(b) Cheese or its ingredients may not be handled with bare hands.

(c) Cheese production may not occur unless there is an individual on the premises who is responsible for identifying sanitation problems and potential food contamination who has the education and experience necessary for the production of unadulterated cheese products.

(d) Food handlers and supervisors must complete the Alaska Food Worker training described in 18 AAC 31.330 or other comparable training acceptable to the department.

(e) In this section, "food handler" means an individual handling cheese ingredients, unpackaged cheese, or food-contact surfaces.

(f) Cheese producers must restrict access to cheese processing areas to authorized personnel. (Eff. __/__/__, Register __)

Authority: AS 17.20.005 AS 17.20.072 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.335. Equipment and Utensils. (a) Equipment and utensils must be sanitary and meet applicable 3-A Sanitary Standards and 3-A Accepted Practices, and 21 C.F.R. 110.40, revised as of April 1, 2007 and adopted by reference in 18 AAC 32.315.

(b) Vats must be stainless steel or equally corrosion-resistant metal and constructed according to the applicable 3-A Sanitary Standards and 3-A Accepted Practices, adopted by reference in 18 AAC 32.315.

(1) Vats must be in good repair, equipped with tight-fitting lids and have adequate temperature controls.

(2) Vats must

(A) have an adequate jacket capacity for uniform heating;

(B) have an inner liner constructed of a minimum 16-gauge stainless steel or other equally corrosion-resistant metal properly pitched from side to center and from

rear to front for adequate drainage and must be smooth, free from excessive dents or creases and extend over the edge of the outer jacket;

(C) have the junction of the liner and outer jackets constructed to prevent milk or cheese from entering the inner jacket;

(D) be equipped with a sanitary outlet valve; and

(E) be provided with effective valves that are properly maintained to control the application of heat to the vat.

(c) Mechanical agitators must meet the following requirements:

(1) carriages and tracks must be constructed to prevent dirt or grease from entering the vat; and

(2) metal blades, forks, or stirrers must be constructed of stainless steel or of material approved in the 3-A Sanitary Standards and 3-A Accepted Practices, adopted by reference in 18 AAC 32.315, and be free from rough or sharp edges which might scratch the equipment or remove metal particles.

(d) Knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment must be stainless steel or of material approved in the 3-A Sanitary Standards and 3-A Accepted Practices, adopted by reference in 18 AAC 32.315.

(e) Product contact surfaces of curd mills must be constructed of stainless steel.

(f) Wires in curd knives must be constructed of stainless steel, kept tight and replaced when necessary.

(g) Hoops, forms, and followers must be constructed of stainless steel or heavy tinned steel.

(h) Cheese presses and press cloths must comply with the following requirements:

- (1) presses must be constructed of stainless steel;
- (2) cheese press joints must be welded;
- (3) cheese press surfaces, seams and openings must be readily cleanable;
- (4) cheese press pressure device must be the continuous type;
- (5) press cloths must be maintained in good repair and in a sanitary condition;

and

- (6) single-service press cloths can only be used once. (Eff. __/__/____, Register ___)

Authority: AS 17.20.005 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.340. Sanitation. (a) Sanitation practices for a cheese production facility must comply with 21 C.F.R. 110.35, revised as of April 1, 2007 and adopted by reference in 18 AAC 32.315.

(b) Sanitizing of food contact surfaces must comply with 18 AAC 31.424. (Eff. __/__/____, Register___)

Authority: AS 17.20.005 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.345. Ingredients. (a) Cheese and cheese product ingredients must comply with 21 C.F.R. 110.80 and 21 C.F.R. 110.110, revised April 1, 2007 and adopted by reference in

18 AAC 32.315. Food additives must meet the standards described in 21 C.F.R. 170-189, revised April 1, 2007 and adopted by reference in 18 AAC 32.315.

(b) Producers and transporters of milk used for cheese production must meet the standards in 18 AAC 32.010 – 18 AAC 32.060 and the standards of the Food and Drug Administration’s Pasteurized Milk Ordinance, adopted by reference in 18 AAC 32.315. All animals producing milk for cheese production must meet the animal health requirements at 18 AAC 36.

(c) Cheese may be made from raw or pasteurized milk.

(1) cheese made from raw milk must be aged and conform to the standards set forth in 21 C.F.R. 133, as adopted by reference in 18 AAC 32.315.

(2) pasteurized milk used in cheese production must conform to the phosphatase standards for pasteurized milk and milk products set forth in the Pasteurized Milk Ordinance, as adopted by reference in 18 AAC 32.315.

(d) Raw milk used to make cheese must meet the following quality standards at the time of receipt or collection:

(1) raw milk may not be adulterated, or have any abnormal odor, appearance or consistency;

(2) standard plate count for bacteria in raw milk may not exceed 300,000/ml from any individual milk producer or comingled milk; and

(3) raw milk may not contain unacceptable drug residue.

(A) raw milk used for cheese production must be tested for drug residues as required by the Pasteurized Milk Ordinance, as adopted by reference in 18 AAC 32.315.

(B) testing must be conducted by a laboratory that conforms to the Evaluation of Milk Laboratories, revised 2005 and adopted by reference in 18 AAC 32.315.

(C) the laboratory and laboratory analyst must be approved by the department to perform drug residue screening or confirmatory testing.

(4) somatic cell count in raw cow milk from a milk producer may not exceed 750,000 cells/ml on any 3 of 5 tests, as per the Pasteurized Milk Ordinance, adopted by reference in 18 AAC 32.315.

(5) somatic cell count in the raw goat milk from a milk producer may not exceed 1,000,000/ml on any 3 of 5 tests, as per the Pasteurized Milk Ordinance, adopted by reference in 18 AAC 32.315.

(6) raw milk must be cooled to 10°C (50°F) or less within four hours of commencement of first milking, and to within 7°C (45°F) or less within two hours after completion of milking. A blend temperature of an initial milking and subsequent milkings may not exceed 10°C (50°F). (Eff. __/__/__, Register __)

Authority:	AS 03.05.011	AS 17.20.010	AS 17.20.030
	AS 03.05.013	AS 17.20.020	AS 44.46.020
	AS 17.20.005		

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.350. Testing. (a) Cheese must be tested in accordance with this section.

(b) When beginning production of a new cheese product or a cheese product that has not been in production within the past year, or after a cheese fails a test prescribed by this section, the department will collect and analyze samples monthly for the next two months of production.

(c) After two months, the department will collect and analyze samples biannually unless the department determines that additional or more frequent testing is required to confirm product safety.

(d) Cheese samples must be analyzed in accordance with 21 CFR 133.5, adopted by reference in 18 AAC 32.315, for milkfat, moisture content, and phosphatase.

(e) Cheese samples must be analyzed using Food and Drug Administration-approved methodologies for the following six foodborne pathogens:

(1) Listeria monocytogenes;

(2) Salmonella;

(3) Escherichia coli;

(4) Enterotoxigenic Escherichia coli if Escherichia coli is present at 10^4 (10,000)

or above per gram;

(5) Enterohemorrhagic Escherichia coli (EHEC) ; and

(6) Staphylococcus aureus.

(f) A cheese producer must immediately report to the department results of any voluntary testing that exceed standards or tolerances in 18 AAC 32.345 or 18 AAC 32.370. (Eff.

__/__/__, Register __)

Authority: AS 03.05.011 AS 17.20.005 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.355. Records. (a) A cheese producer must prepare or obtain the following records as applicable and retain them for the specified periods of time:

- (1) milk collection records received from milk haulers for at least two years;
- (2) records of all cheese product ingredients received at the cheese production facility, including the manufacturer and distributor of the ingredients, for at least one year;
- (3) daily records of all finished products produced at the cheese production facility, including name and type of product, volume produced, and date of production, for at least one year;
- (4) records of all milk quality tests conducted on milk shipments received by the cheese production facility for at least two years;
- (5) records of all tests for bacterial counts or adulteration in milk and cheese held or processed by the cheese production facility for at least two years;
- (6) pasteurization records for at least 180 days;
- (7) cleaning and sanitizing records for bulk milk tankers for at least 90 days;
- (8) temperature records for cheese processing and storage for at least 30 days;

(9) inventory control records for vitamin fortification of milk or cheese including vitamins used and quantity produced for at least two years;

(10) vitamin assay test results conducted on fortified cheese for at least two years; and

(11) daily records for cleaning and sanitizing equipment for at least 90 days.

(b) Records under subsection (a) shall be kept at the cheese production facility, and shall be made available to the department upon request. (Eff. __/__/____, Register ____)

Authority: AS 03.05.011 AS 17.20.005 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.360. Labeling and general identification. (a) Cheese and cheese products must comply with the standards of identity for cheese as described in 21 C.F.R. 133, revised as of April 1, 2007, and adopted by reference in 18 AAC 32.315.

(b) In addition to meeting labeling requirements in 21 C.F.R. 101.1-101.30, 21 C.F.R. 101.54 – 101.83, 21 C.F.R. 101.100-101.105, and 21 C.F.R. 130.8 - 130.14 revised as of April 1, 2007 and adopted by reference in 18 AAC 32.315, each package of cheese for retail sale must be labeled: “KEEP REFRIGERATED.”

(c) Cheese products made from raw milk must be labeled “RAW MILK PRODUCT”.

(d) Cheese may be labeled “MADE FROM GRADE A RAW MILK” only if manufactured under Grade A standards as outlined in the Pasteurized Milk Ordinance, adopted by reference in 18 AAC 32.315.

(e) Cheese products made from milk other than cow's milk must be labeled with the species of animal(s) the milk came from.

(f) Labels for cheese products must be approved by the department prior to commercial sale of the product. (Eff. __/__/____, Register __)

Authority: AS 03.05.011 AS 17.20.010 AS 44.46.020
AS 17.20.005 AS 17.20.300

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.365. Inspections. (a) The department may conduct inspections or audits with or without prior notice to determine compliance with this chapter.

(b) Inspections and audits to assess compliance with this chapter may include:

- (1) inspecting the cheese production facility;
- (2) examining labels, plans and records;
- (3) investigating employee illness or absenteeism;
- (4) examining food;
- (5) observing procedures;
- (6) obtaining samples;
- (7) conducting tests;
- (8) interviewing employees; and
- (9) taking photographs. (Eff. __/__/____, Register __)

Authority: AS 03.05.011 AS 17.20.005 AS 17.20.070
AS 03.05.040 AS 17.20.040 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.370. Detention and Destruction. (a) A cheese producer must destroy or detain for further processing or testing cheese that has tested positive for Listeria monocytogenes, Salmonella, or Enterohemorrhagic Escherichia coli.

(b) A cheese producer must destroy or detain cheese for further processing or testing if any of the following tolerances are exceeded:

- (1) Escherichia coli – 1×10^4 or greater organisms per gram;
- (2) Enterotoxigenic Escherichia coli – 1×10^3 per gram, heat labile enterotoxin or heat stable enterotoxin positive; or
- (3) Staphylococcus aureus – positive for Staphylococcal enterotoxin or when viable count (MPN) is 1×10^4 or greater per gram and toxin test is negative.

(c) If sample analysis of pasteurized milk or cheese made from pasteurized milk reflects a positive phosphatase test, then the cheese producer must destroy or detain the milk or cheese derived from that milk for further processing or testing.

(d) The department may require that a cheese producer detain cheese if the department finds, or has cause to believe, that the cheese or an ingredient is adulterated, misbranded, or processed in violation of this chapter. A cheese producer may not take any action with respect to detained cheese without the department's written consent. Detention under this subsection is subject to the following procedures:

- (1) the department will
 - (A) issue a notice of detention and inform the cheese producer of the conditions under which the detention can be terminated;

(B) affix to the cheese or food ingredient a "detained" tag or other appropriate marking that gives notice that the cheese product or food ingredient has been detained;

(2) if, after issuing a notice of detention, the department finds that the cheese product or food ingredient is not adulterated, misbranded, or processed in violation of this chapter, the department will terminate detention and notify the cheese producer; and

(3) if the department finds that the cheese product or food ingredient is adulterated, misbranded, or processed in violation of this chapter, the department will notify the cheese producer of the corrective action necessary, which may include destruction of the cheese product or food ingredient.

(e) The department may require a cheese producer to destroy cheese if it violates standards or tolerances in 18 AAC 32.370 or if the cheese was made under the same conditions as other cheese found to violate those standards or tolerances.

(f) In this section, "destroy" means disposing of cheese or cheese products in a manner that precludes human consumption.

(g) In addition to the measures indicated in (a) – (f) of this section the department, in the event that it finds that failure to comply with this chapter poses an imminent health hazard, may take any other actions authorized by law, including modifying, suspending or revoking a cheese processing permit. (Eff. __/__/__, Register __)

Authority:	AS 03.05.011	AS 17.20.070	AS 17.20.250
	AS 03.05.030	AS 17.20.072	AS 17.20.260
	AS 03.05.050	AS 17.20.180	AS 17.20.270

AS 17.20.005	AS 17.20.190	AS 17.20.280
AS 17.20.020	AS 17.20.220	AS 17.20.305
AS 17.20.050	AS 17.20.230	AS 44.46.020
AS 17.20.060	AS 17.20.240	

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.375. Civil fines (a) The department may, without prior warning, notice, or hearing, assess a civil fine of not more than the following amounts for each violation of this chapter:

- (1) first offense: \$250;
- (2) second offense: \$500; and
- (3) third and subsequent offenses: \$1000.

(b) For the purpose of determining whether civil fines are warranted and their amounts, the department will consider aggravating or mitigating factors, including:

- (1) the history of previous violations by the cheese producer;
- (2) the seriousness of the violation, including actual or potential hazard to the health and safety of the public;
- (3) whether the violation occurred due to negligence or intentional conduct;
- (4) whether the cheese producer has demonstrated good faith efforts to achieve rapid compliance after notification of a violation;
- (5) the cheese producer's current compliance status and the number of continuing violations;

(6) the actual or potential economic gain to the cheese producer by violating a provision of this chapter;

(7) enforcement costs incurred by the department relating to the violation; and

(8) payment of civil fines previously assessed for the same or similar violation.

(Eff. __/__/____, Register __)

Authority: AS 17.20.005 AS 17.20.190 AS 17.20.365
AS 17.20.180 AS 17.20.315 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.380. Right to Appeal a Decision (a) A person subject to this chapter may seek an informal review under 18 AAC 15.185 of a department decision.

(b) Nothing in this section affects a person's rights to request an adjudicatory hearing under 18 AAC 15.195. (Eff. __/__/____, Register __)

Authority: AS 17.20.005 AS 17.20.072 AS 17.20.190
AS 17.20.065 AS 17.20.180 AS 44.46.020

18 AAC 32 is amended by adding a new section to read:

18 AAC 32.385. Fees The annual permit fee for a cheese production facility is \$100.

(Eff. __/__/____, Register __)

Authority: AS 17.20.005

18 AAC 32.990 is repealed and readopted to read:

18 AAC 32.990. Definitions. Unless the context indicates otherwise, in this chapter

- (1) "adulterated" has the same meaning as "adulterated food" as defined in AS 17.20.020;
- (2) "approved" means approved in writing by the department;
- (3) "adequate" means necessary to accomplish the intended purpose in keeping with good public health practices;
- (4) "bed system" means a cradle used to support the reindeer carcass during the skinning process;
- (5) "brisket" means the anterior lower portion of the chest of the reindeer;
- (6) "bulk milk tanker" is a vehicle, including the truck, tank and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station;
- (7) "bulk transfer container" means a vehicle or container that a milk producer uses to ship bulk milk from a dairy farm to a dairy plant;
- (8) "bung" means the rectum or terminal portion of the intestine of the reindeer;
- (9) "CIP SYSTEM" means equipment that is designed, constructed and installed to be cleaned in place by the internal circulation of cleaning and sanitizing solutions onto product contact surfaces;
- (10) "carcass" means all parts, including viscera, of slaughtered reindeer;
- (11) "cheese" means a dairy product prepared from the pressed curd of milk. A complete listing of styles of soft, semi-soft, soft-ripened, and hard cheeses may be found in the

FDA/CFSAN Food Compliance Program, Domestic and Imported Cheese and Cheese products, November 19, 1998, adopted by reference in 18 AAC 32.215;

(12) "cheese production facility" means a place, premise, or facility where cheese or cheese products are collected, handled, processed, stored, or prepared;

(13) "cheese producer" means a person who owns or operates a cheese production facility and provides, sells, or offers cheese for human consumption;

(14) "cheese product" means a product made from cheese that is intended for human consumption;

(15) "clean" or "cleaned" means, with regard to equipment or utensils, made free of soil, or to make free of soil, by

(A) washing in warm, soapy water and rinsing; or

(B) using another approved method if using water is inappropriate for the equipment or utensil being cleaned;

(16) "commissioner" means the commissioner of environmental conservation;

(17) "composite sample" means a sample of milk which is collected from 2 or more milk shipments from the same milk producer, and which is compiled and preserved;

(18) "critical control point" means a point, step, or procedure in a slaughtering or processing facility at which control can be applied, and a food safety hazard can, as a result, be prevented, eliminated, or reduced to acceptable levels;

(19) "critical violation" means

(A) food unfit for human consumption;

(B) potentially hazardous food that is not kept at required temperatures during storage, preparation, processing, display, service, and transportation;

(C) insufficient facilities and equipment to maintain product temperatures;

(D) a person working as a food handler who has a disease communicable by food;

(E) employee conduct in violation of 18 AAC 32.650(a) - (b), the results of which might be a disease communicable by food;

(F) food-contact surfaces of equipment or utensils that are not washed, rinsed, and sanitized effectively and that might contaminate food;

(G) a water supply that

(i) is not in compliance with 18 AAC 32.625; or

(ii) has a cross-connection with a nonpotable supply or a back siphonage potential;

(H) sewage or liquid waste not disposed of in an approved manner;

(I) toilets and handsinks not installed or inaccessible;

(J) insects, rodents, or other pests that are on the premises;

(K) poisonous or toxic material that is improperly labeled, stored, or used;

(L) a violation of a critical control point in a HACCP plan described under 18 AAC 32.660;

(M) a foodborne illness associated with operation of the facility; or

(N) a condition or practice that affects the wholesomeness or safety of food;

(20) “dairy plant” means any place where dairy product is manufactured or processed for sale or distribution as human food and includes a receiving station or transfer station;

(21) "dairy plant operator" means a person who operates a dairy plant and who is required to be licensed;

22) "dairy product" means all of the following:

(A) Raw or processed milk

(B) A milk product or by-product, including all dairy and non-dairy ingredients incorporated into that milk product or by-product;

(C) A commodity in which milk or any milk product or by-product is the principle ingredient;

(23) "department" means the Department of Environmental Conservation;

(24) "easily cleanable" means readily accessible and designed so that residue may be effectively removed by normal cleaning methods;

(25) "equipment" means machinery, apparatus, pipeline and appurtenances used in connection with the operation of a facility; "equipment" includes fixtures, containers, vessels, tools, devices, implements, storage areas, and sinks;

(26) "evisceration" means the process of removing viscera from a carcass;

(27) "extensively remodeled" means modified or improved at an expense equal to or exceeding 25 percent of the taxable value of the facility before initiation of the modification or improvement;

(28) "facility" means the premises used to conduct activities described in this chapter;

(29) "FDA" means the United States Food and Drug Administration;

(30) "fermentation" means any of a group of chemical reactions induced by living or non living yeast, bacterium, mold or enzyme that split complex organic compounds into relatively simple substances;

(31) "fluid milk product" means cream, sour cream, acidified sour cream, half-and half, sour half-and-half, whipped cream, concentrated milk, concentrated milk products, reduced fat milk, low fat milk, nonfat milk, flavored milk, buttermilk, cultured buttermilk, cultured milk, yogurt, low fat yogurt, nonfat yogurt, eggnog, nog-flavored milk, vitamin and mineral fortified milk or milk products, and any other fluid milk product made by adding any substance to milk or any such product;

(32) "food" or "food product" means a product made wholly or in part from an animal that is intended for human consumption;

(33) "food additive" or "food ingredient" means a substance, the intended use of which results or might result, directly or indirectly, in its becoming a part of or otherwise affecting the characteristics of a food product;

(34) "food-contact surface" means the surface of equipment and utensils with which food or food ingredients normally comes in contact, or from which drippage, drainage, or splashback onto a surface that contacts food might occur;

(35) "footcandles" means the illumination

(A) on a surface one square foot in area on which a flux of one lumen is uniformly distributed; or

(B) produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela;

(36) "frozen dessert" means ice cream, French ice cream, artificially sweetened ice cream, frozen custard, frozen yogurt, frozen concentrates, ice milk, sherbet, water ice, quiescently frozen confection, quiescently frozen dairy confection, manufactured frozen dessert mix and frozen whipped cream confections. "frozen dessert" includes "frozen dessert mix";

(37) "frozen dessert mix" means a mixture of frozen dessert ingredients that has not yet been processed and frozen to create a frozen dessert. "Frozen dessert mix" includes a mix of previously pasteurized dry dairy ingredients that is combined with potable water to create a liquid mix;

(38) "formula" means each ingredient used, the amount of each ingredient used, and the process used to make the milk or milk products;

(39) "gloves" means items that are

(A) made of natural rubber, vinyl, or synthetic material, including neoprene, polyvinyl chloride, and styrene butadiene; and

(B) worn on the hands to prevent contamination between food and an operator or employee;

(40) "HACCP plan" means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point Principles and Application Guidelines, by the National Advisory Committee on Microbiological Criteria for Foods; the Hazard Analysis and Critical Control Point Principles and Application Guidelines are adopted by reference in 18 AAC 32.601;

(41) "handsink" means a lavatory

(A) equipped with hot and cold running water under pressure that can be tempered to a temperature between 100ø F - 120ø F by a mixing valve or combination faucet; and

(B) used solely for washing hands, arms, or other portions of the body;

(42) "hazard," with respect to food, food products, and food ingredients, has the meaning given in 18 AAC 31.990;

(43) "hermetically sealed" has the meaning given in 18 AAC 31.990;

(44) "imminent health hazard" means a condition with the potential to affect public health adversely; "imminent health hazard" includes

(A) the extended loss of a potable water supply;

(B) an extended power outage;

(C) a sewage backup into the facility or onto the grounds;

(D) a natural disaster;

(E) an employee sick with a disease communicable by food; and

(F) a major insect or rodent infestation;

(45) "inspected and passed" means determined by the department to be unadulterated, at the time a product was inspected under this chapter;

(46) "lot" means a collection of primary containers of the same size, type, and style produced under conditions as nearly uniform as possible and usually designated by a common code or marking, or a day's production;

(47) "low acid food" has the meaning given in 18 AAC 31.990;

(48) "meat" means the flesh and organs of a reindeer;

(49) "midline" means the median line of the carcass;

(50) "milk" means the normal lacteal secretion, practically free of colostrum, obtained by milking a cow, goat, sheep or other ruminant and includes skim milk and cream;

(51) "milk component testing device" means an automated testing device used to perform MILK component tests;

(52) "milk distributor" means a person who sells or offers to sell milk or milk products for wholesale;

(53) "milk hauler" means a person who transports raw milk or raw milk products to or from a milk processing plant, receiving station, or transfer station;

(54) "milk processing plant" means a place, premise, or facility where milk or milk products are collected, handled, processed, stored, pasteurized, processed, bottled, or prepared for wholesale distribution;

(55) "milk producer" means a person who owns or operates a dairy farm and provides, sells, or offers milk for sale to a milk processing plant, receiving station, or transfer station;

(56) "milk product" means a product made from fluid milk that is intended for human consumption, including cheese, yogurt, sour cream, and ice cream;

(57) "milk quality test" means a bacteria count, somatic cell count, drug residue test, milk component test, or other analytical test which is used to determine compliance with milk quality standards;

(58) "multi-use package" means a returnable bottle or other package that is designated for repeated use;

(59) "on-the-rail system" means an overhead rail from which carcasses are hung during the skinning process;

(60) "operation" means the premises, practices, and procedures associated with a specific type of activity within a facility subject to this chapter;

(61) "operator" means a person who controls, operates, manages, or conducts an activity described in this chapter;

(62) "package" means a container or wrapping, having one or more product contact surfaces, that is designed or used to enclose a dairy product sold or shipped from a dairy plant. "Package" includes package covers and other package components. "Package" includes all of the following:

(A) a returnable bottle or other multi-use package;

(B) a single-service package;

(C) a bulk or shipping container, other than a bulk milk tanker that has one or more product contact surfaces and is used for the sale or shipment of a dairy product from a dairy plant;

(63) "packaging" means canning, cartoning, or tightly wrapping;

(64) "pasteurize" has the meaning given in the *Grade "A" Pasteurized Milk Ordinance*, adopted by reference in 18 AAC 32.315;

(65) "person" means an individual, corporation, partnership, cooperative, association, or any other business organization or entity. "Person" includes the State of Alaska, and any subunit or agency of the state, to the extent that the state or its subunit or agency is engaged in operating a dairy plant;

(66) "pesticide" has the meaning given in 18 AAC 90.990;

(67) "PMO" means the Grade "A" Pasteurized Milk Ordinance, adopted by reference in 18 AAC 32.020 and 18 AAC 32.315;

(68) "potable water" means water that is bacteriologically and chemically safe to drink, and that is free from harmful parasites from a supply properly located, protected and operated by the owner of the dairy plant;

(69) "potentially hazardous food" has the meaning given in 18 AAC 31.990;

(70) "ppm" means parts per million;

(71) "premises" means a place or location used in conjunction with the activities of a facility described in this chapter; "premises" includes all or portions of structures, land, vehicles, equipment, a water supply, a wastewater system, and plumbing;

(72) "processing" means an activity that changes the physical condition of a food or dairy product; "processing" includes butchering, cutting, slicing, grinding, cooking, dehydrating, freezing, packaging, smoking, pasteurizing, blending, manufacturing, or thermal processing;

(73) "processing plant" means a plant at which food products are processed;

(74) "product contact surface" means a surface of equipment or a surface of a utensil or package, with which a dairy or food product normally comes in direct contact, or from which materials may drain, drip or be drawn into a product;

(75) "public water system" has the meaning given in 18 AAC 80.1990;

(76) "putrefaction" means the partial decomposition of organic matter by microorganisms producing foul-smelling rotten matter;

(77) "raw milk" or "raw milk product" means milk or a milk product that has not been pasteurized or processed;

(78) "ready-to-eat," with respect to food, food products, and food ingredients, has the meaning given in 18 AAC 31.990;

(79) "reduced oxygen packaging" has the meaning given in 18 AAC 31.990;

(80) "receiving station" means a place, premise, or facility where raw milk is received, collected, handled, stored, or cooled, and then prepared for further transporting;

(81) "rodding" means positioning the looped end of a metal rod around the esophagus and pushing it through the thoracic cavity up to the diaphragm, to separate the esophagus from the trachea and lungs and permit its removal, through the diaphragm and thoracic cavity, without breaking during evisceration;

(81) "rumping" means the stage in dressing a reindeer carcass on half-hoist

(A) where the hide is removed from the hind legs, rump, and tail, and the bung is cut out and tied; and

(B) that takes place between the skinning and the gutting operation;

(82) "safe," with respect to food, food products, and food ingredients, has the meaning given in 18 AAC 31.990;

(83) "sanitize" means to reduce the number of microorganisms on cleaned surfaces, equipment, and utensils to a safe level by application of an appropriate sanitizing agent that is registered as required under 18 AAC 90;

(84) "shipping container" means a box, carton or similar container in which packaged dairy or food products are shipped in bulk from a plant;

(85) "single-service package" means a package that is designed to be used only once prior to disposal;

(86) "slaughtering or processing facility" means a facility where reindeer intended to be sold as part of commerce and intended for human consumption is slaughtered or processed;

"slaughtering or processing facility" does not include a

(A) food service described in 18 AAC 31.205 that accepts and processes a donation of reindeer in compliance with 18 AAC 31.205(1) - (6);

(B) site described in 18 AAC 31.820(a)(1) where reindeer are slaughtered and dressed for purposes of sales in compliance with 18 AAC 31.820(a)(1) - (a)(4); or

(C) retail meat market that is permitted under 18 AAC 31 and that processes reindeer in accordance with 18 AAC 31.820(b);

(87) "splitting" means to separate, cut, or divide into two or more parts;

(88) "stunned" means rendered unconscious;

(89) "thermally process" means to perform thermal processing as defined in 18 AAC 31.990 of food, food products, or food ingredients;

(90) "transfer station" means a place, premises, or facility where milk or milk products are transferred directly from one milk tank truck to another;

(91) "utensil" means a handheld or other similarly portable implement used to prepare, transport, or store food, food products, or food ingredients;

(92) "water activity" has the meaning given in 18 AAC 31.990;

(93) "wholesome" has the meaning given in 18 AAC 31.990. (Eff. 5/23/98, Register 146; am 1/14/2001, Register 157; am 9/6/2003, Register 167; am ___/___/___, Register ___)

Authority:	AS 03.05.011	AS 17.20.030	AS 17.20.200
	AS 03.05.020	AS 17.20.040	AS 17.20.230

Register ____, _____ 2010

ENVIRONMENTAL CONSERVATION

AS 03.05.040	AS 17.20.070	AS 17.20.250
AS 03.05.050	AS 17.20.072	AS 17.20.270
AS 17.20.010	AS 17.20.075	AS 17.20.290
AS 17.20.020	AS 17.20.190	AS 44.45.020